

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PHILIP ANGUS,

on behalf of himself and all others
similarly situated,

Plaintiff,

vs.

FLAGSTAR BANK, FSB,
a Michigan-based federally chartered
stock savings bank,

Defendant.

Case No.: 4:22-cv-11385-SDK-KGA

Hon. Shalina D. Kumar

**COUSINO PLAINTIFFS' RESPONSE TO FIFTH
MOTION TO CONSOLIDATE CASES (ECF No. 14)**

On July 21, 2022, Plaintiff Philip Angus, a party to this action, filed a Fifth Motion to Consolidate Cases (“Motion to Consolidate”), moving to consolidate this action with *Cousino v. Flagstar Bank*, FSB, No. 2:22-cv-11619-VAR-KGA (“*Cousino* Action”) pending, at that time, before the Hon. Victoria A. Roberts. (ECF No. 14). Thereafter, Judge Roberts reassigned the *Cousino* Action to this Court (Case No. 2:22-cv-11619 at ECF No. 5)

Pursuant to Fed. R. Civ. P. 42(a), the decision “whether or not to consolidate cases involving the same factual or legal questions for trial is a matter within the

discretion of the trial court.” *Technical Sales Assocs., Inc. v. Ohio Star Forge Co.*, No. 08-13365, 2008 WL 4791885, at *2 (E.D. Mich. Oct. 29, 2008) (citing *Cantrell v. GAF Corp.*, 999 F.2d 1007, 1011 (6th Cir. 1993)). In addition, Eastern District of Michigan Local Rule 42.1(a)(2) provides that “[t]he district judge presiding in the earliest numbered case will decide the motion.” Consistent with the foregoing, Plaintiffs in the *Cousino* Action do not oppose consolidation.

Dated: August 4, 2022

Respectfully submitted,

/s/ E. Powell Miller

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CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2022, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which will send notification of such filing to the attorneys of record.

/s/ E. Powell Miller

E. Powell Miller